



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

08/939,185

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/939,185	09/29/97	GOLDSCHMIDT IKI	J 042390.P4500

LAWRENCE M CHO
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES CA 90025

LM02/0825

EXAMINER

JACKSON, C

ART UNIT

PAPER NUMBER

2773 # 10

DATE MAILED: 08/25/99

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 08/11/99

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 31-42 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 31-42 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

Art Unit: 2773

DETAILED ACTION

1. This action is responsive to communications: Amendment, filed on 08/11/99.
2. The present title of the invention is "GRAPHICAL USER INTERFACE WITH MULTIMEDIA IDENTIFIER" having claims 31-42. In the Amendment, filed on 08/11/99, claims 1-8, 14-16 and 20-23 were canceled and claims 31-42 were added.

Claim Objections

3. Claims 31, 33, 35, 39, 41 are objected to because of the following informalities:

Claim 31 recites the phrase "said second multi-media identifier," however, it is believed that the phrase "said first multi-media identifier" is intended.

Claim 33, on line 3, recites the phrase "said first multi-media identifier," however, it is believed that the phrase "said second multi-media identifier" is intended. Similar observations are made for claims 35, 39 and 41. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2773

5. Claims 31-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 31 recites the limitation "the second multi-media identifier" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2773

9. Claims 31, 32, 34, 37, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiter et al. (US Patent 4,751,578) in view of Knee et al. (US Patent 5,589,892).

As in claims 31, 32, 34, 37, 38 and 40 of Applicants invention, the Reiter '578 patent teaches that it was known in the art to provide a system having a microcontroller, memory and a display with entertainment information displayed thereon. See Reiter et al. '578, col. 4, lines 9-67. The system enables a user to render additional information, such as critiques of entertainment programs and theme songs. See Reiter et al. '578, col. 4, line 40-col. 5, line 54; col. 6, lines 23-29. However, the critiques and theme songs are rendered in response to the entry of the appropriate function code on a handheld remote for the additional information, instead of selection of "multi-media identifiers." The Knee '892 patent, in contrast, teaches a system for displaying entertainment information having a processor, a storage memory, and multimedia identifiers. Each multimedia identifier is selectable to deliver a different added-value service and on demand information from online. Moreover, a multimedia identifier is provided separately for each entertainment program where appropriate. See Knee et al. '892, col. 34, lines 12-35; col. 36, line 62-col. 40, line 41, col. 42, lines 33-50; FIG.s 1, 19 and 58. One having ordinary skill in the art would recognize that the Reiter '578 patent and the Knee '892 patent are both systems for providing both entertainment program information and additional information relating to an entertainment program. One having ordinary skill in the art would also recognize that the manual entry of a function commands, as disclosed in the Reiter '578 patent can result in user input error.

Art Unit: 2773

Consequently, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide for the entry of function commands in the system of the Reiter '578 patent using separate multimedia identifiers for each additional information because it creates a more efficient means of executing operations.

10. Claims 33, 35, 36, 39, 41, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiter et al. (US Patent 4,751,578) and Knee et al. (US Patent 5,589,892) in view of Lawler et al. (US Patent 5,585,838).

As per claims 33, 35, 36, 39, 41, and 42, the combined system of Reiter '578 and Knee '892 may not provide for the display of a video clip as the result of selecting a multi-media identifier. However, the Lawler '838 patent teach that it is known in the art to provide a video clip in a summary or preview window as the result of selecting a multi-media identifier representing an entertainment program. See Lawler et al. '838, col. 10, lines 16-56. One having ordinary skill in the art would recognize that the preview clip is a desirable feature because it enable a user to quickly identify the characteristics of a program. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a preview clip in the combined apparatus of Reiter '578 and Knee '892 because it would enable a user to easily identify whether a program is of interest. With respects to **claims 6-8 and 25-27**, the data that is delivered to the viewer, includes entertainment broadcast, menus providing textual information, as well as games and services. See e.g. Knee et al. ('892), col. 46, lines 43-45; FIG.s 5-6A, 11, 18-19, 32-35].

Art Unit: 2773

Response to Arguments

11. Applicant's arguments filed on 08/11/99 have been fully considered but are moot in view of the new grounds of rejection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and provided on the attached Form 892.

The Brown '154 patent teaches an interactive on demand environment.

The Bedard '235 patent teaches an entertainment programming guide that utilizes multimedia identifiers to execute functions for an individual entertainment program.

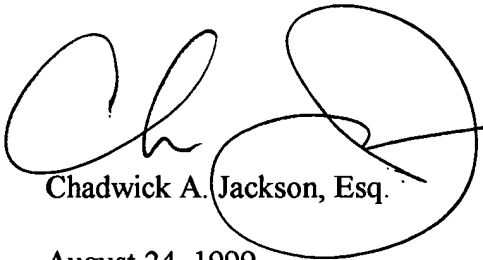
The Young '204 patent and Hamilton '055 patent both teach that it was known in the art to provide a critique of an entertainment program as additional information.

13. Response to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications. Please label "PROPOSED" OR "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA., Sixth Floor (Receptionist).

Art Unit: 2773


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chadwick A. Jackson, whose telephone number is (703) 308-9572. The examiner can normally be reached Mon-Thu from 7:30 a.m. - 6:00 p.m. ET. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim, can be reached at (703) 305-3821.

15. Any inquiry of a general nature or relating to the status of this application or proceedings should be directed to the group receptionist whose telephone number is (703) 305-3900.



Chadwick A. Jackson, Esq.

August 24, 1999



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2773